

Notice of Allowability

Application No.

10/540,404

Examiner

KELLY L. JERABEK

Applicant(s)

MIZUKURA ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/27/2008.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 6/23/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with Thomas Presson on 10/6/2008.

The application has been amended as follows:

In claim 1, please delete "An image pick-up apparatus including an image pick-up device unit comprised of color filters having different spectral characteristics, and serving to pick up image of object, the image pickup apparatus comprising: ..." and

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replace it with “An image pick-up apparatus including an image pick-up device unit comprised of color filters having different spectral characteristics, and serving to pick up an image of an object, the image pick-up apparatus comprising:...”.

In claim 1, please delete “adjustment means for adjusting color reproduction value and noise value representing noise feeling” and replace it with “adjustment means for adjusting color reproduction value and noise value representing noise”.

In claim 5, please delete “An image pick-up method of picking up image of object by an image pick-up apparatus including an image pick-up unit comprised of color filters having different spectral characteristics, and serving to pick up image of object, the image pick-up method including:...” and replace it with “An image pick-up method of picking up an image of an object by an image pick-up apparatus including an image pick-up unit comprised of color filters having different spectral characteristics, and serving to pick up an image of an object, the image pick-up method including:...”.

In claim 5, please delete “a first step of adjusting color reproduction value and noise value representing noise feeling” and replace it with “a first step of adjusting color reproduction value and noise value representing noise”.

Allowable Subject Matter

Claims 1-5 are allowed.

The following is an examiner's statement of reasons for allowance:

Re claims 1-4, the prior art fails to teach or suggest: "An image pick-up apparatus including an image pick-up device unit comprised of color filters having different spectral characteristics, and serving to pick up an image of an object, the image pick-up apparatus comprising: adjustment means for adjusting color reproduction value and noise value representing noise feeling; matrix coefficient determination means for determining matrix coefficients on the basis of adjustment of the adjustment means; and matrix transform processing means for performing matrix transform processing with respect to an image which has been picked up at the image pick-up device unit on the basis of the matrix coefficients, **wherein the matrix coefficients are determined based on a color reproduction characteristic index and a noise reduction characteristic index**".

Re claim 5, the prior art fails to teach or suggest: "An image pick-up method of picking up an image of an object by an image pick-up apparatus including an image pick-up unit comprised of color filters having different spectral characteristics, and

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serving to pick up an image of an object, the image pick-up method including: a first step of adjusting color reproduction value and noise value representing noise feeling; a second step of determining matrix coefficients on the basis of adjustment of the first step; and a third step of performing matrix transform processing with respect to an image which has been picked up at the image pick-up device unit on the basis of the matrix coefficients, **wherein the matrix coefficients are determined based on a color reproduction characteristic index and a noise reduction characteristic index**".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached at **(571) 272-7372**. The fax phone number for submitting all Official communications is **(571) 273-7300**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may

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be faxed directly to the Examiner at (571) 273-7312.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kelly L. Jerabek/

Examiner, Art Unit 2622

/Lin Ye/

Supervisory Patent Examiner, Art Unit 2622